

IN The United State District Court

For the middle District of Alabama

Answer to ~~Plaintiff's~~ Defendants Special Report

Patrick Lemuel Bass

2005 NOV 21 2:54 PM

Civil Action 3:05-CV-603-MHT-SRW

DEFENDANTS

Shelley Jones et al

MIDDLE DI

- ① The Plaintiff had not been convicted of any crim in the state of Alabama and has not pled guilty to any crim or charges stemming from the date of may 30 2005 when the beating took place of the Plaintiff
- ② The Plaintiff was not a prisoner and was not being housed in the Lee county Detention Facility on the date of may 30 2005 when the Plaintiff was handcuffed and then beaten by Donnie Surrency. And SWAT Team officer wearing mask
- ③ The Fact being that the Plaintiff was not confined in any Jail, prison, or correctional Facility at the time he was handcuffed and beaten Administrative remedies and 42 U.S.C. § 1997 of the Prison Litigation Reform Act dose not Appile
- ④ The Plaintiff state Facts there is No Rule Book or hand Book given to any inmate or prisoner at the Lee county Detention Facility that would allow them to know that there is a Grievance Procedure or that Administrative remedies are available Fact being with out a Rule Book or hand Book given to and inmate or prisoner at the Lee county Detention Facility they could not know what dose or dose not Appile as Administrative Rules or any other Rules that Appile a Rule book and hand book should be given to every inmate or prisoner that enters the Lee county Detention Facility

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- ⑤ The Fact that the Plaintiff was made that the complaint took place at the home of Danny worthy and the Defendants written Response dose give the Address of this home of Danny worthy 1502 Fletcher Road Phenix city Alabama 36867 and not being at Jail, prison, or Correctional Facility
- ⑥ The Plaintiff Took the only Available action that he knew exists at the time when he Filed his complaint and is the only action that applie to his claim that did not take place in the hee county Detention center

Answer to the Facts given by Defendant on Allegations

- ① The Plaintiff was unarmed Sergeant Donnie Surret is a sworn officer of the law and made sworn statement that the Plaintiff had a hung gun on my 30, 2005 how could Donnie Surret give a Sworn Affidavit that the Plaintiff had a gun and then not recovered said Fire arm From Plaintiff
- ② The Plaintiff was not arm and had no weapon and no colthing on when he was hand cuff and beaten in the upstairs room of Danny worthy home
- ③ The Defendant Donnie Surret lied about the Plaintiff having a hand gun to Justify the vicious beating has left the Plaintiff nose deviated to the left and Permanent damage

Answer to Grievance Procedure

- ① It is a Fact No inmate or prisoner are given a Rule Book or a hand Book that dose allow them to know there is and administrative remedies or Grievance Procedure when they enter the Lee County Detention Facility
- ② The Plaintiff claim is supported by the Defendant written report that on may 30, 2005 the Plaintiff was arrested at home of Danny worthy Address being 1502 Felther Road Phenix city Alabama 36869 which dose not Fall under the Rules of administrative remedies or Grievance Procedures Rules to Follow when a person has been hand cuffed and beaten

Answer to Medical Care at the Lee county Detention Facility

- ① The Plaintiff has not made a claim against the medical care given to him at the Lee county Detention Facility
- ② The Plaintiff did receive medical treatment the day after he was beaten by Donnie Surrett. And mask SWAT team officers
- 3 The Plaintiff did see A Doctor Johan Mc Farland M.D. in which on the date 05, 3, 05 the Plaintiff was perscribed Flexeril 10mg muscle relaxer For pain and Naprosyn 500mg to reduce swelling From where I was hand cuffed and beaten Medical report clearly shows physical injury to the Plaintiff

Answer to Excessive Force claim

- ① The Plaintiff was unarmed and gave no reason for Donnie Surret. And the mask swat team officers to beat the Plaintiff in the face and kick the Plaintiff in the face
- ② The Plaintiff was not wearing any clothing when handcuffed and his Fourth Amendment rights to be free from the use of excessive force was violated the Plaintiff had no way to hide any type of weapon like the Defendant Donnie Surret has claim in there Special Report

③ Answer to claim against Sheriff Jones

- ① The Plaintiff does not claim that Sheriff Jay Jones was personally there on May 30, 2005 however the actions of one Sergeant Donnie Surret while on duty are an extension of the Sheriff Department and supervisor

Answer to claim against Donnie Surret

- ① The Defendant Donnie Surret has gave false Affidavit as evidentiary material in the form of under oath and given statement that the Plaintiff was in possession of a handgun that the Defendant never seen and did not recover a lie to have the court to believe in the excessive beating of the Plaintiff

- ② The Defendant Donnie Surrett only gave hear say a evidents that the Plaintiff had a handgun that was never recovered can only be given as hear say officer Donnie Surrett has given this to the court as a sworn statement under oath as evidentiary materials and is a lie
- ③ The Defendant Donnie Surrett was and did enter the house on 1502 Fletcher Road Phenix city Alabama 36867 and did give the owner of the house Danny worthy the search warrant when Plaintiff was took From up stairs to the down stairs where the owner Danny worthy was given the search warrant by officer Donnie Surrett.
- ④ The owner of the home Danny worthy 1502 Felther Road Phenix city Alabama 36867 can be call as a witness however the Plaintiff was unable to get a sworn statment do to being incarcerated but could have this witness Subpoena to court to up hold these facts of Donnie Surrett did enter this home and that the Plaintiff did not have a hang gun like the Defendant has made claims of
5. The Defendant Donnie Surrett would like the court to believe that the Plaintiff did have a gun and did try to Fight 5 Full grown men Fully armed Swat Team officers with weapon to Kill the Plaintiff at will very clearly a lie in order to to cover the hand cuffed beating by Donnie Surrett. And the mask Swat team officers

sign by Patricia Bass

Conclusion

The Plaintiff is not an attorney and has answered ~~to~~ ~~the~~ to the Defendants special written report as best of his ability and ask that the Honorable court will give the Plaintiff his day in court so that he can prove that a violation of his constitutional rights of the Fourth Amendment did occur when excessive force was used in the course of the Plaintiff's arrest when he was handcuffed and kicked in the face by Donnie Surratt and maskswat team officers.

Certificate of Service

I hereby certify that on this the 22nd day of November, 2005, I have mailed a true and correct copy of the foregoing motion by United States Mail, to the defendants attorney:

s/Kelly Gallops Davidson
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Sign by Patricia Bass